# TRANSCRIPT OF RECORD.

## SUPREME COURT OF THE UNITED STATES.

**OCTOBER TERM, 1906.**

## No. 435.

ROBERT M. GREEN, PLAINTIFF IN ERROR,

*vs.*

CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

**FILED OCTOBER 4, 1906.**

**(20,400.)**

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INDEX.


| | Original. | Print. |
|---|---|---|
| Docket entries | 1 | 1 |
| Writ of error | 2 | 1 |
| Citation and service | 3 | 2 |
| Caption | 4 | 3 |
| Præcipe for summons | 5 | 3 |
| Summons | 6 | 4 |
| Marshal's return | 7 | 4 |
| Proof of service of statement, &c | 8 | 4 |
| Statement of plaintiff's demand | 9 | 5 |
| Rule to plead | 11 | 6 |
| Stipulation as to rule and proofs | 12 | 6 |
| Depositions taken in support of rule to set aside service of writ | 14 | 7 |
| Deposition of Harry E. Heller | 14 | 7 |
| Notary's certificate | 25 | 13 |
| Affidavit of Harry E. Heller | 26 | 14 |
| Affidavit of Robert M. Green | 32 | 16 |
| Opinion of McPherson, J | 35 | 18 |
| Specifications of error | 39 | 20 |
| Petition for writ of error | 41 | 20 |
| Order granting writ of error | 43 | 21 |


JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., DECEMBER 6, 1906.

| | Original. | Print. |
|---|---|---|
| Bond on writ of error | 45 | 22 |
| Judge's certificate as to question of jurisdiction | 47 | 23 |
| Stipulation as to exhibits | 48 | 23 |
| Exhibit A—Card of Harry E. Heller | 49 | 24 |
| B—Letter, Heller to Gardiner, December 30, 1905 | 50 | 24 |
| C—Advertisement of Burlington route | 51 | 25 |
| D—Folder of Burlington route | 52 | 26 |
| E—Bill of lading | 53 | 27 |
| F—Letter, secretary of Pennsylvania to Green & Sons, September 18, 1905 | 55 | 28 |
| Clerk's certificate to transcript | 57 | 29 |

1 October Session, 1905.

62.

ROBERT M. GREEN, a Citizen of Pennsylvania, Residing in the Eastern District of Pennsylvania,

*vs.*

CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY, a Corporation Organized and Doing Business under the Laws of the State of Iowa, and a Citizen Thereof, and which is Doing Business in the State of Pennsylvania and in the Eastern District Thereof, and Has an Office Therein for the Transaction of such Business, With an Agent in Charge Thereof.

John G. Johnson.

Trespass.

| | | |
|---|---|---|
| 1906, February | 27. | Præcipe for summons filed. |
| " " | " | Summons exit returnable first Monday of March next. |
| " " | " | Statement of claim filed. |
| " " | " | Rule to plead filed. |
| March | 1. | Proof of service of copy of plaintiff's statement and rule to plead filed. |
| " | 5. | Summons returned served &c. |
| " | 7. | Stipulation of counsel as to appearance for defendant and as to rule on plaintiff to show cause why service of writ and statement should not be vacated. Proceedings to stay &c. &c. (see stipulation on file). |
| May | 4. | Argued sur rule to set aside service &c. |
| Sept. | 7. | Opinion McPherson J. making absolute rule to set aside service of summons. |
| " | 27. | Specifications of error filed. |
| | | Petition and order allowing writ of error. |
| | | Writ of error allowed and copy thereof lodged in Clerk's office for adverse party. |
| | | Bond sur writ of error approved and filed. |
| | | Citation allowed and issued. |
| | | Citation returned service accepted. |
| | 28. | Certificate sur writ of error filed. |
| | 28. | Stipulation of counsel as to exhibits filed. |

2 UNITED STATES OF AMERICA, *ss:*

The President of the United States to the Honorable the Judge of the Circuit Court of the United States for the Eastern District of Pennsylvania, Greeting:

Because in the record and proceedings, as also in the rendition of the judgent of a plea which is in the said Circuit Court, before you,

or some of you between Robert M. Green, Plaintiff, and the Chicago, Burlington and Quincy Railway Company, Defendant, a manifest error hath happened, to the great damage of the said Robert M. Green as by his complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the United States Supreme Court, together with this writ, so that you have the same at the City of Washington on the second Monday of October next, in the said United States Supreme Court, to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, at Philadelphia, the 27th day of September in the year of our Lord one thousand nine hundred and six (1906).

[Seal U. S. Circuit Court, E. D. Pennsylvania.]

SAMUEL BELL,
*Clerk of the Circuit Court of the United States.*

Allowed by the Court.
Attest:
SAMUEL BELL, *Clerk.*

3 UNITED STATES OF AMERICA, *ss:*

The President of the United States to Chicago, Burlington & Quincy Railway Company, Greeting:

You are hereby cited and admonished to be and appear at a United States Supreme Court to be holden at the City of Washington, D. C., within thirty days, pursuant to a writ of error, filed in the Clerk's Office of the Circuit Court of the United States, Eastern District of Pennsylvania, wherein Robert M. Green, is plaintiff in error, and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable John B. McPherson, Judge, holding Circuit Court of the United States this 27th day of September, in the year of our Lord one thousand nine hundred and Six (1906).

By the Court,
Attest:

GEORGE BRODBECK, JR.,
*Pro. Clerk.*

Service accepted.
FRANCIS RAWLE,
*Attorney for Defendant in Error.*

4 In the Circuit Court of the United States for the Eastern District of Pennsylvania.

No. 62, October Session, 1905.

ROBERT M. GREEN, a Citizen of Pennsylvania, Residing in the Eastern District of Pennsylvania,

*vs.*

CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY, a Corporation Organized and Doing Business under the Laws of the State of Iowa, and a Citizen Thereof, and which is Doing Business in the State of Pennsylvania and in the Eastern District Thereof, and Has an Office Therein for the Transaction of such Business, With an Agent in Charge Thereof.

Pleas and Proceedings before the Honorable the Judges of the Circuit Court of the United States for the Eastern District of Pennsylvania, in the Third Circuit.

It is thus contained,

Be it remembered that on the Twenty-seventh day of February, A. D. 1906, came the Plaintiff by his counsel, John G. Johnson, Esq., and sued forth a Writ of Summons against the Defendant, which being read, is in the following words and figures, to-wit:—

5 U. S. C. C., Oct. Sess., 1905.

No. 62.

ROBERT M. GREEN, a Citizen of Pennsylvania, Residing in the Eastern District of Pennsylvania,

*vs.*

CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY, a Corporation Organized and Doing Business under the Laws of the State of Iowa, and a Citizen Thereof, and which is Doing Business in the State of Pennsylvania and in the Eastern District Thereof, and Has an Office Therein for the Transaction of such Business, With an Agent in Charge Thereof.

Issue summons in trespass against the above named corporation, which is at present doing business within the State of Pennsylvania, and has an office for the transaction of such business at 836 Chestnut Street, Philadelphia, and has at such office an agent for the transaction of its business by the name of Harry E. Heller. Make said summons returnable on the first Monday of March, 1906.

(Signed) JOHN G. JOHNSON,
J. W. B.,
*Att'y- for Plaintiff.*

2/27/'06.

Endorsed:—No. 62 Oct. Sess. 1905. U. S. Circuit Court. Robert M. Green *vs.* Chicago, Burlington and Quincy Railway Company. Præcipe for Summons. Filed Feb. 27, 1906. Samuel Bell, Clerk. John G. Johnson.

6 UNITED STATES, *Eastern District of Pennsylvania, sct:*

The President of the United States to the marshal of the eastern district of Pennsylvania, Greeting:

We command you, That you summon Chicago, Burlington and Quincy Railway Company, a corporation organized and doing business under the laws of the State of Iowa, and a citizen thereof and which is doing business in the State of Pennsylvania and in the Eastern District thereof and has an office therein for the transaction of such business, with an agent in charge thereof, late of your district if it may be found therein, so that it be and appear before the Judges of the Circuit Court of the United States, in and for the Eastern District of Pennsylvania, of the Third Circuit, at a session of the same Court to be holden at Philadelphia, on the first Monday of March next, to answer to Robert M. Green, a citizen of Pennsylvania residing in the Eastern District of Pennsylvania, in a plea of trespass.

And have you then there this writ.

Witness the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, at Philadelphia, this
7 27th day of February, A. D. 1906, and in the 130th year of the independence of the United States.

(Signed) GEORGE BRODBECK, JR.,
[SEAL.] *Pro. Clerk of Circuit Court, U. S.*

Endorsed:—No. 62 October Session, 1905. Circuit Court. Robert M. Green *vs.* Chicago, Burlington and Quincy Railway Company. Summons Trespass. Filed Mar. 5, 1906. Samuel Bell, Clerk. Returnable on the first Monday of March next. John G. Johnson, Attorney for Plaintiff.

*Return.*

February 28th, 1906. At Philadelphia in my district served the within writ on the Chicago, Burlington and Quincy Railway Company a corporation which is doing business in the Eastern District of Pennsylvania and has an office for the transaction of said business at 836 Chestnut Street Philadelphia, in said district by giving a true and attested copy thereof to Harry E. Heller agent of said corporation at said office on February 28th, A. D. 1906, at 4.20 o'clock P. M. So answers, John B. Robinson, U. S. Marshal,
per Abram B. Myers, Deputy.

8 On the 1st day of March 1906 personally appeared Abram B. Myers, and made oath that in the case of Robert M. Green

vs. Chicago, Burlington and Quincy Railway Company, a Corporation which is doing business in the Eastern District of Pennsylvania and has an office for the transaction of said business at 836 Chestnut Street Philadelphia in said district he served a copy of the plaintiff's statement and rule to plead on Harry E. Heller Agent of said corporation at said office on February 28th, A. D. 1906, at 4.20 o'clock P. M.

(Signed) ABRAM B. MYERS.

Before me
HENRY B. ROBB, *Dep. Clerk.*

Endorsed: No. 62 Oct. Sess. 1905. Circuit Court. Robert M. Green *vs.* Chicago, Burlington and Quincy Railway Company. Proof of service of Plaintiff's Statement. Filed Mar. 1, 1906. Samuel Bell, Clerk.

9 U. S. C. C., E. D. of Pa., Oct. Sess., 1905.

No. 62.

ROBERT M. GREEN
*vs.*
CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY.

*Statement of Plaintiff's Demand.*

Plaintiff claims to recover from defendant the sum of One hundred thousand dollars ($100,000.) for injuries suffered by the plaintiff through the negligence of the defendant, as follows:

The plaintiff is a citizen of the State of Pennsylvania and resident in the Eastern District of Pennsylvania, and the defendant is a corporation organized and doing business under the laws of the State of Iowa and a citizen of said State of Iowa, and which is doing business in the State of Pennsylvania and in the Eastern District thereof, and has an office therein and an agent in charge thereof. The defendant operates a line of railroad between Kansas City, Missouri, and Denver, Colorado, and is a common carrier, carrying passengers for hire on its trains between said points. On
10 September 4th, 1905, the plaintiff was a passenger in a car attached to one of the defendant's trains. While the plaintiff was traveling on said train, as a passenger, the defendant negligently allowed another train to come into collision with the train on which the plaintiff was a passenger, as aforesaid, at a point near a station called Brush, in the State of Colorado, whereby the car on which the plaintiff was a passenger was broken, and the plaintiff was crushed, bruised and permanently injured. One of his ribs was fractured, one of his ears was injured so as to impair his hearing, one of his eyes was injured so as to impair his sight, his brain was injured, there was an injury to his breast bone, leg, shoulder

and body, and a severe general shock to his nervous system. In consequence of these injuries, through the negligence of the defendant, the plaintiff has been obliged to spend large sums of money in endeavoring to be healed of his injuries, has suffered great pain, has been unable to attend to his ordinary business, has suffered large pecuniary loss by reason thereof, and has been permanently injured, for which injuries he claims damages in the sum of One hundred thousand dollars ($100,000).

(Signed) ROBERT M. GREEN.

(Signed) JOHN G. JOHNSON,
Per J. W. B.,
*Att'y Pro Pl'ff.*

11 EASTERN DISTRICT OF PENNA., *ss:*

Robert M. Green, being duly sworn says: I am the plaintiff in the above case. The matters set forth in the foregoing statement of claim, as the basis of plaintiff's demand, are true to the best of my knowledge and belief.

(Signed) ROBERT M. GREEN.

Sworn and subscribed to before me this twenty-fourth day of February, A. D. 1906.

(Signed) LEON A. CANTER,
*Notary Public,* [SEAL.]
*Odd Fellows Temple, Philadelphia, Pennsylvania.*

Commission expires February 23, 1909.

Endorsed: No. 62 Oct. Sess. 1905. U. S. Circuit Court. Robert M. Green *vs.* Chicago, Burlington and Quincy Railway Company. Statement of Plaintiff's Claim. Enter rule on defendant to plead in fifteen days or judgment sec. reg. To Clerk U. S. C. C. John G. Johnson, Att'y for Pl'ff. 2/27/06. Filed Feb'y 27, 1906. Samuel Bell, Clerk. John G. Johnson.

12 In the Circuit Court of the United States, Eastern District of Pennsylvania, Oct. Term, 1905.

No. 62.

ROBERT M. GREEN
*vs.*
CHICAGO, BURLINGTON & QUINCY RY. CO.

Counsel for the plaintiff and counsel appearing specially for the defendant for the purposes of a rule to show cause why the service of the writ should not be vacated, stipulate as follows:—

1. That the clerk shall enter a rule on the plaintiff to show cause why the service of the writ and statement in the above case should not be vacated, all proceedings to stay meantime, returnable sec. reg., with the same force and effect as if the said rule had been duly allowed by the Court.

2. That the depositions taken in the case of Robert M. Green *vs.* Chicago, Burlington & Quincy Railway Company, United States Circuit Court for the Eastern District of Pennsylvania, October Term 1905, No. 38, and the affidavits of Harry E. Heller and Robert M. Green filed therein and the exhibits and stipulations mentioned in the said depositions, may be used in this case to all intents and purposes as if they had been originally made
13 and taken herein.

3. That the appearance of counsel for the defendant shall be considered as a special appearance for the purposes of the said rule only.

(Signed) JOHN G. JOHNSON,
Per F. P. P.,
*Counsel for Plaintiff.*

(Signed) FRANCIS RAWLE,
*Counsel Appearing Specially for Defendant.*

Endorsed: 62 Oct. 1905. U. S. C. C. E. D. of Pa. Green *vs.* C. B. & Q. R. Co. Filed Mar. 7, 1906. Samuel Bell, Clerk. Stipulation of counsel as to Rule & proofs.

14 United States Circuit Court, Eastern District of Pennsylvania, October Term, 1905.

No. 38.

ROBERT M. GREEN
*vs.*
CHICAGO, BURLINGTON & QUINCY RAILWAY COMPANY.

*Depositions Taken in Support of a Rule to Set Aside the Service of a Writ.*

Witness sworn by William Wagner, Jr., Notary Public.

Present: Frank P. Prichard, Esq., for Plaintiff; Francis Rawle, Esq., for Defendant.

It is stipulated that depositions shall be taken stenographically and the signature of witness waived.

Counsel stipulate that the affidavit on which the rule was taken shall be considered as the testimony of Harry E. Heller in chief.

Cross-examination by Mr. PRICHARD:

X Q. 1. The Chicago, Burlington & Quincy Railway Company now operates the lines formerly operated by the Chicago, Burlington & Quincy Railroad Company, does it not?

For pages 9 to 16 see ante.



A. Yes, sir.

X Q. 2. The Chicago, Burlington & Quincy Railroad Company had an office in Philadelphia, had it not?

A. Yes, sir.

X Q 3. And where was that office?

A. At 632 Chestnut Street.

X Q. 4. It registered in the office of the Secretary of the Commonwealth and described you as its Pennsylvania agent, did it not?

A. Not to my knowledge, sir.

X Q. 5. I show you a letter of the Secretary of the Commonwealth, dated Sept. 18, 1905, to Robert M. Green & Sons. Are you able now to say whether the Chicago, Burlington & Quincy registered in the office of the Secretary of the Commonwealth, with you as its agent?

A. No, sir, I am not.

X Q. 6. Where is your office?

A. 836 Chestnut Street.

X Q. 7. Prominently displayed in the front window of that building are the words "Chicago, Burlington & Quincy Railway Company," are there not?

A. Yes, sir.

X Q. 7. Is there anything on that window or in connection with those words which indicates any limitation upon the apparent advertisement of that place as the office of the Chicago, Burlington & Quincy Railway Company?

A. Oh, no, I cannot say there is.

X Q. 8. You have had inserted in the City Directory, have you not, the name of the Chicago, Burlington & Quincy Railway Company, with its location 836 Chestnut Street?

A. We have not had it inserted, the information was asked for.

X Q. 9. It was inserted with your knowledge was it not?

A. Yes sir.

X Q. 10. Does not the name of the Chicago, Burlington & Quincy with the location 836 Chestnut Street, Burlington in the telephone book of the Bell Telephone Company issued for subscribers?

A. Yes, sir, it does.

X Q. 11. I show you a card bearing your name. Is that the card used by you in the business of the Chicago, Burlington & Quincy Railway Company?

A. Yes, sir.

(Card marked for identification "Exhibit A.")

X Q. 12. I show you a letter dated December 30, 1905, apparently addressed by you to Mr. R. L. Gardiner. Was that letter written by you in answer to inquiries relating to the business of the Company on letter paper furnished by the Company for that use?

A. Yes, sir.

(Letter marked for identification "Exhibit B.")

X Q. 13. I show you an advertisement headed "Burlington Route

aver that the Chicago, Burlington and Quincy Railway Company maintains an office with its name prominently printed on a sign, at 836 Chestnut Street, Philadelphia. I aver that cards are printed, bearing the name of the Chicago, Burlington and Quincy Railway Company, with the name of H. E. Heller as District Freight and Passenger Agent, and the location of the office 836 Chestnut Street.

I aver that the said Chicago, Burlington and Quincy Rail-
33 way Company has caused its name to be entered in the regular City directory and in the telephone book of the Bell Telephone Company, with its location as 836 Chestnut Street, Philadelphia; that it has caused to be inserted in the Official Railway Guide a publication, giving offices, time tables, &c. of the various railroads of the country, a location of one of its offices at 836 Chestnut Street, Philadelphia, and the name of Harry E. Heller, as one of its general agents.

I aver that the Chicago, Burlington and Quincy Railway Company publishes, for the information of the public and its patrons, a folder or advertisement, on which it prints as one of the offices of the Company, 836 Chestnut Street, Philadelphia, Pennsylvania, with the name of H. E. Heller as District Freight and Passenger Agent, and I further aver that the said office and agency is maintained for the convenience of the Company, in order that persons having business with the Company may transact such business at said office with said agent. I am advised that at this office the Chicago, Burlington and Quincy Railway Company constantly do business within the State of Pennsylvania.

(Signed) ROB'T M. GREEN.

Sworn to and subscribed before me this sixteenth day of January, 1906.

(Signed) LEON A. CANTER,
*Notary Public,* [SEAL.]
*Odd Fellows Temple, Philadelphia, Pennsylvania.*

Commission Expires February 23, 1909.

34 Endorsed: 38 Oct. Term 1905. U. S. C. C. E. D. Penna. Robert M. Green *vs.* The Chicago, Burlington & Quincy Rwy. Co. Sur Rule to show cause why service of writ should not be set aside. Affidavit of Robert M. Green. Filed Jan. 17, 1906. Samuel Bell, Clerk. R. John G. Johnson.

35 United States Circuit Court, Eastern District of Pennsylvania, October Sessions, 1905.

No. 62.

ROBERT M. GREEN
*vs.*
CHICAGO, BURLINGTON & QUINCY RY. CO.

Rule to show cause why service of summons should not be vacated.

MCPHERSON, *District Judge:*

Without setting out in detail the undisputed facts upon which the plaintiff relies to establish the proposition that the defendant is doing business in the State of Pennsylvania, and was therefore properly served with the writ, I think it is enough to say, that in my opinion these facts do not present a case essentially different from the case that was considered in Earle *vs.* Chesapeake & Ohio R. R. Co., 127 Fed. 235. It was there held that the company was not doing business in this State, and if that case was rightly
36 decided, it seems to me that the present controversy also must be determined in favor of the defendant.

One difference between the two cases remains to be noticed briefly. On May 21, 1900, the Chicago, Burlington & Quincy *Railroad* (not *Railway*) Co. filed in the office of the Secretary of the Commonwealth the statement required by the Pennsylvania Act of April 22, 1874. That statute forbids any foreign corporation to

"Do any business in this commonwealth, until said corporation shall have established an office or offices and appointed an agent or agents for the transaction of its business therein."

Section 2 is as follows:

"It shall not be lawful for any such corporation to do any business in this commonwealth, until it shall have filed in the office of the secretary of the commonwealth a statement, under the seal of said corporation, and signed by the president or secretary thereof, showing the title and object of said corporation, the location of its office or offices, and the name or names of its authorized agent or agents therein; and the certificate of the secretary of the commonwealth, under the seal of the commonwealth, of the filing of such statement, shall be preserved for public inspection by each of said agents in each and every of said offices."

In accordance with the requirements of this act, *the railroad* company filed the statement just referred to, declaring that offices had been established at Philadelphia and at Pittsburgh, and that the agent at Philadelphia was Harry E. Heller. No such statement has ever been filed by the *railway* company defendant, but Mr. Heller testified that he performed the same duties for it as he

had performed for its predecessor, the *railroad* company.
37 Counsel have agreed that the two corporations are different entities, the *railroad* company having been chartered by the State of Illinois, and the *railway* company having been chartered by the state of Iowa; that the former leased its lines for a long term of years to the latter about October 1, 1901, and that the property has since been operated by the defendant. Similar facts did not appear in Earle *v.* Railroad Co., but I do not think that they require the court to reach a different conclusion in the present case. For this there are two reasons, as it seems to me. First; the lease has not been offered in evidence, and I am therefore unable to say how completely the defendant has stepped into the shoes of its lessor. *Prima facie,* registration under the Pennsylvania statute by one corporation could neither bind nor protect another corporation, without sufficient proof—and perhaps not even then—that the two were substantially identical, or that the latter had assumed the obligations of the former in this respect. For all that appears, the defendant may be maintaining its office and agency in Philadelphia without any reference to the statement filed by the railroad company under the Act of 1874, and in violation of the statutory provisions.

The second reason is to be found in the decisions of the supreme court of Pennsylvania that are referred to upon the brief of defendant's counsel. I regret to be unable to discuss them
38 more fully, and to be obliged to confine myself to announcing that I agree with the position that under these decisions the defendant is not "doing business" in Pennsylvania, and is not, therefore, constructively within the state, and amenable to process therein.

It follows that the writ of summons was not lawfully served, and that the service must be set aside.

The rule is accordingly made absolute.

Endorsed: 62 Oct. Sess. 1905. U. S. C. C. E. D. of Pa. Green *vs.* Chicago, Burlington & Quincy R. R. Co. Opinion sur Rule to show cause why service of summons should not be set aside. Filed Sept. 7, 1906. Samuel Bell, Clerk.

39 In the Circuit Court of the United States for the Eastern District of Pennsylvania, October Term, 1905.

No. 62.

ROBERT M. GREEN
*vs.*
CHICAGO, BURLINGTON & QUINCY RAILWAY CO.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

To October Sessions, 1905. No. 62.

*Specifications of Error.*

1. The Learned Circuit Court erred in making absolute the rule to show cause why the service of summons should not be vacated.
2. The Learned Circuit Court erred in not discharging the rule to show cause why the service of summons should not be vacated.
3. The Learned Circuit Court erred in holding that the writ of Summons was not lawfully served and that service must be set aside.
4. The Learned Circuit Court erred in not holding that the Writ of Summons was lawfully served.

JOHN G. JOHNSON,
Per MAURICE B. SAUL,
*Attorney for Appellant.*

Philadelphia, September 27, 1906.

40 Endorsed: No. 62 Oct. Sess. 1905. U. S. C. C. Green, Plaintiff in Error, *vs.* C. B. and Q. Ry. Co. Defendant in Error. Specifications of Error. Filed Sept. 27, 1906. Samuel Bell, Clerk. John G. Johnson, Att'y for Pl'ff in Error.

41 In the Circuit Court of the United States for the Eastern District of Pennsylvania.

October Sessions, 1905. No. 62.

ROBERT M. GREEN
*vs.*
CHICAGO, BURLINGTON & QUINCY RAILWAY COMPANY.

*Petition for Writ of Error.*

Robert M. Green, the plaintiff in the above entitled cause, being aggrieved by the final judgment made and entered by the Court in the above entitled cause on the 7th day of September 1906, whereby it was adjudged that the writ of summons in the above case was not lawfully served upon the defendant corporation and that the service

thereof must be set aside, and whereby the jurisdiction of the said Court is drawn into question; representing to the Court that the question involved is of such importance as to require a review of such decision by the Supreme Court of the United States, comes now by his attorney John G. Johnson and petitions the Court for an order allowing the said plaintiff to prosecute a writ of error from said judgment to the Supreme Court of the United States in accordance with the laws of the United States in that behalf made and
42 provided; and also, that an order be made fixing the amount of security which plaintiff shall furnish upon such a writ of error; and that upon giving such security all further proceedings in this Court shall be stayed until the determination of said writ of error by the said Supreme Court of the United States.

And your Petitioner will ever pray etc.

JOHN G. JOHNSON,
Per MAURICE B. SAUL,
*Attorney for Petitioner.*

September 27, 1906.

43 In the Circuit Court of the United States for the Eastern District of Pennsylvania.

October Sessions, 1905. No. 62.

ROBERT M. GREEN
*vs.*
CHICAGO, BURLINGTON & QUINCY RAILWAY COMPANY.

*Order.*

Before McPherson, J.

And now, September 27, 1906, upon consideration of the foregoing petition and on motion of John G. Johnson, attorney for the petitioner the Court being of the opinion that the question involved in the above entitled cause is of such importance as to require a review of the decision entered therein September 7, 1906, by the Supreme Court of the United States, it is ordered and decreed that a Writ of Error to the Supreme Court of the United States from the final judgment heretofore filed and entered as aforesaid in the above entitled cause be and the same is hereby allowed, and that a certified transcript of the Record and of the proceedings herein be forthwith transmitted to the said Court.

It is further ordered that the Bond for damages and costs on said Writ of Error be and the same is hereby fixed at $250.00.

By the Court,
Attest: GEORGE BRODBECK, JR.,
*Pro Clerk.*

44 Endorsed:—No. 62 Oct. Sessions 1905. U. S. C. C. Green *vs.* C. B. and Q. Ry. Co. Petition for Writ of Error. Order annexed. Filed Sept. 27, 1906. Samuel Bell, Clerk. John G. Johnson, Att'y for Pl'ff.

45 Know all men by these presents, That we Robert M. Green of Philadelphia, Pennsylvania, and The United States Fidelity and Guaranty Company of Baltimore, Maryland, as sureties, are held and firmly bound unto Chicago, Burlington & Quincy Railway Company in the full and just sum of Two hundred and fifty $250.00 dollars to be paid to the said Chicago, Burlington & Quincy Railway Co., its certain attorney, executors, administrators, or assigns: to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 26th day of September in the year of our Lord one thousand nine hundred and six.

Whereas, lately at a session of the U. S. Circuit Court of the Eastern District of Pennsylvania, Oct. Sessions, 1905, No. 62, in a suit depending in said Court between Robert M. Green and Chicago, Burlington & Quincy Railway Co., an order was rendered against the said Robert M. Green, making absolute a rule to show cause why the service of Summons on said Defendant should not be vacated, and the said Robert M. Green having obtained a writ of error and filed a copy thereof in the Clerk's Office of the said Court to reverse the said order in the aforesaid suit, and a citation directed to the said Chicago, Burlington & Quincy Railroad Company citing and admonishing it to be and appear at a Supreme Court of
46 the United States to be holden at the city of Washington, within thirty days.

Now, the condition of the above obligation is such, That if the said Robert M. Green shall prosecute his writ to effect, and answer all damages and costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

The Surety waives the signature of the principal herein.

THE UNITED STATES FIDELITY AND GUARANTY COMPANY,
By HENRY STROUSE, [SEAL.]
*Resident Vice President.*

Attest:
FRANK M. FLYNN, *Resident Secretary.*

Sealed and delivered in the presence of—
JOHN J. McCAFFREY.

Approved by the Court.
Attest:
GEORGE BRODBECK, JR., *Pro Clerk.*

Sept. 27, 1906.

Endorsed:—No. 62 Oct. Sess. 1905. U. S. C. C. E. D. of Penna. Robert M. Green *vs.* Chicago, Burlington & Quincy Rwy. Co. Bond sur Writ of Error. Filed Sep. 27, 1906. Samuel Bell, Clerk.

47 In the Circuit Court of the United States for the Eastern District of Pennsylvania.

October Sessions, 1905. No. 62.

ROBERT M. GREEN
*vs.*
CHICAGO, BURLINGTON & QUINCY RAILWAY COMPANY.

*Certificate Sur Writ of Error.*

To the Supreme Court of the United States:

I certify that the question involved in the decision in the above Court from which a Writ of Error is being prosecuted by the above plaintiff concerns the jurisdiction of the United States Court for the Eastern District of Pennsylvania, namely, whether the United States Circuit Court for the Eastern District of Pennsylvania acquired jurisdiction of the defendant corporation by service of the Writ of Summons upon its agent in the Eastern District of Pennsylvania.

JOHN B. McPHERSON,
*Judge of the Circuit Court for the Eastern District of Pennsylvania.*

Endorsed:—No. 62 Oct. Sessions 1905. Green *vs.* C. B. & Q. R'y Co. Certificate sur Writ of Error to the United States Supreme Court. Filed Sep. 28, 1906. Samuel Bell, Clerk. John G. Johnson.

48 In the Circuit Court of the United States for the Eastern District of Pennsylvania.

October Sessions, 1905. No. 62.

ROBERT M. GREEN
*vs.*
CHICAGO, BURLINGTON & QUINCY RAILWAY COMPANY.

It is hereby stipulated and agreed between John G. Johnson, Attorney for Robert M. Green, the above named plaintiff, and Frances Rawle, Attorney for the Chicago, Burlington & Quincy Railway Company, the above named defendant, that the following papers, marked Exhibit "A," "B," "C," "D," "E" and "F," shall constitute the Exhibits mentioned and referred to in the deposition of Harry E. Heller taken in pursuance of a rule to show cause why service of the Writ of Summons in the above case should not be set aside, which deposition is now upon record in the above case.

JOHN G. JOHNSON,
By MAURICE B. SAUL,
*Attorney- for Plaintiff.*
FRANCIS RAWLE,
*Attorney for Defendant.*

Sept. 28. 1906.

49

EXHIBIT "A."

Chicago, Burlington & Quincy Ry. Co.

Burlington Route.

HARRY E. HELLER,
*District Freight and Passenger Agent, 836 Chestnut Street, Philadelphia, Pa.*

Phone, Walnut 346.

50

EXHIBIT "B."

Burlington Route.

Chicago, Burlington & Quincy Railway Company.

Office of District Freight and Passenger Agent, 836 Chestnut Street, Philadelphia, Pa.

Telephone Walnut, 346.

Harry E. Heller, Dist. Fr't and Pass. Agent; B. C. Cloud, Traveling Freight Agent; R. E. Wheeler, Traveling Passenger Agent; F. G. Heft, City Sol., Fr't & Pass. Agent.

In your reply please refer to file: 7214.

PHILADELPHIA, *Dec.* 30, 1905.

Mr. R. L. Gardiner, 3823 Baring St., Philada., Pa.

DEAR SIR: Your postal of the 30th. has just been received and noted. We can furnish you with ticket or an order for ticket at this office, reading from Chicago to Denver. The present rate from Chicago to Denver is $29.50. We also have a round trip ticket on sale from Chicago to Denver, Colorado Springs or Pueblo, Colo., at rate of $47.20, good for return up to and including May 31st.

I hand you herewith one of our folders and will be very glad indeed to make all arrangements for your Brother's trip, and if you desire I will have our representative call on you.

Yours truly,

HARRY E. HELLER.

HEH–JMW

EXHIBIT "C"

25

46

# Burlington Route

## CHICAGO, BURLINGTON & QUINCY RAILWAY COMPANY

### GENERAL AGENTS AND TRAVELING PASSENGER AND FREIGHT AGENTS.

**Atchison, Kan.**—J. H. JARRETT, Gen. Agent.

**Atlanta, Ga.**—5 North Pryor Street—
J. N. MERRILL, General Southern Agent.
E. A. GROVES, Trav. Freight and Pas. Agent.
C. W. ROBINSON, Trav. Pas. and Freight Agt.
CHAS. PAYTON, Trav. Freight & Pas. Agent.

**Beatrice, Neb.**—
H. L. LEWIS, Div. Fht. and Pas. Agent.

**Billings, Mont.**—F. W. KLIPPEL, Gen. Agent.
H. A. BRANT, Traveling Freight Agent.

**Boston, Mass.**—201 Washington Street—
W. J. O'MEARA, East. Pas. Agent.
WM. GARTY, New England Freight Agent.
ALEX. STOCKS, City Pas. and Tkt. Agt.
H. R. HOUGHTON, Traveling Passenger Agent.
B. N. STOWER, Traveling Passenger Agent.

**Buffalo, N.Y.**—952 Main Street—
W. D. CORNELL, Traveling Passenger Agent.

**Burlington, Ia.**—
W. H. HILL, Division Freight Agent.
J. C. JOHNSON, Traveling Freight Agent.
H. S. JONES, Division Passenger Agent.

**Butte, Mont.**—45 West Broadway—
H. F. RUGER, Freight and Passenger Agent.

**Chicago, Ill.**—211 Clark Street—
F. E. BELL, City Passenger Agent.
C. A. JOHNSON, Commercial Agent.
W. B. BYRNE, Depot Passenger Agent, Union Depot, Canal and Adams Sts.
J. D. BAKER, Traveling Passenger Agent.
J. R. VAN DYKE, Traveling Passenger Agent.
E. H. SMITH, Traveling Freight Agent.
F. K. KELLY, Traveling Freight Agent.
B. F. TROXELL, Traveling Freight Agent.
E. A. TUTTLE, Division Freight Agent.

**Cincinnati, O.**—436 Vine Street—
W. M. SHAW, District Passenger Agent.
WM. AUSTIN, General Agent.
F. L. GANNAWAY, Traveling Passenger Agent.
H. K. MILES, Traveling Freight Agent.

**Cleveland, O.**—Williamson Bldg, 7 Public Sq.—
W. F. MCMILLAN, General Agent.
C. A. BROWNE, Passenger Agent.
E. P. SWAN, Traveling Freight Agent.

**Clinton, Ia.**—J. M. RODMAN, General Agent.

**Council Bluffs, Ia.**—
T. A. BARKER, Contracting Agent.
J. E. SWAN, City Passenger Agent.

**Dallas, Tex.**—909 Scollard Building—
C. W. ANDREWS, Texas Freight and Pas. Agt.
H. O. BYRD, Traveling Freight Agent.

**Davenport, Ia.**—305 Brady Street—
M. J. YOUNG, Commercial Agent.

**Deadwood, S.D.**—J. L. BENTLEY, Com'l Agent.

**Denver, Colo.**—1039 17th Street—
J. F. VALLERY, General Agent.
F. C. MATTHEWS, Traveling Passenger Agent.
A. E. CAMPBELL, Traveling Passenger Agent.
C. W. ANDERSON, City Passenger Agent.

**Des Moines, Ia.**—400 Locust Street—
W. G. WAGNER, Commercial Agent.
J. J. TREITER, City Passenger Agent.

**Dubuque, Ia.**—H. W. UTTLEY, General Agent.
H. W. THEIS, City Pas. and Ticket Agt.

**Galesburg, Ill.**—A. S. CRAWFORD, Dist. Pas. Agt.
A. L. WEST, Division Freight Agent.

**Hannibal, Mo.**—F. E. HOLLINGSHEAD, Gen. Agt.
M. L. FREIGHT, Trav. Fht. & Pas. Agt.

**Jacksonville, Ill.**—
GEO. W. DYE, Division Fht. and Pas. Agent.

**Kansas City, Mo.**—823 North Main Street—
J. D. MCNAMARA, Southwestern Pas. Agent.
H. L. HARMON, General Southwestern Agent.
C. B. OGLE, Traveling Passenger Agent.
A. D. BROWN, Traveling Passenger Agent.
JOHN C. WRIGHT, Pas. Agent., Union Depot.
W. L. KENDRICK, Live Stock Agent.
G. H. GRAY, Traveling Freight Agent.

**Keokuk, Ia.**—J. A. SOMERVILLE, Gen. Agent.
J. W. HOOD, Traveling Fht. and Pas. Agt.

**Leavenworth, Kan.**—
ELLIOT MARSHALL, General Agent.

**Lincoln, Neb.**—13th and O Streets—
G. W. BONNELL, City Pas. and Ticket Agent.

**Los Angeles, Cal.**—222 South Spring Street—
W. W. ELLIOTT, Freight and Passenger Agent.
T. W. MONAHAN, Traveling Passenger Agent.
C. H. EATON, Traveling Passenger Agent.

**Minneapolis, Minn.**—3d St. and Nicollet Ave.
J. F. MCELROY, City Passenger Agent.
JOHN A. PARKER, General Agent.

**New York City.**—379 Broadway—
E. J. SWORDS, General Eastern Agent.
W. J. O'MEARA, Eastern Passenger Agent.
W. J. BERGEN, City Passenger Agent.
M. K. MIX, Traveling Passenger Agent.

**Omaha, Neb.**—
J. B. REYNOLDS, City Pas. Agt., 1302 Farnam St.
1204 Farnam Street—
J. W. WILLIAMS, Traveling Passenger Agent.
L. M. WHITEHEAD, Trav. Passenger Agent.

**Peoria, Ill.**—323 Main Street—
L. PAGE, General Agent.
T. L. BURKETT, City Passenger Agent.
E. L. WRIGHT, Traveling Passenger Agent.

**Philadelphia, Pa.**—836 Chestnut Street—
HARRY E. HELLER, Dist. Fht. and Pas. Agt.
R. E. WHEELER, Traveling Passenger Agent.
B. C. CLOUD, Traveling Freight Agent.

**Pittsburgh, Pa.**—703 Park Building.
W. V. TAPPEN, Gen. Agt., 703 Park Building.
J. B. DRAKE, Traveling Passenger Agent.

**Portland, Ore.**—220 Third Street—
A. C. SHELDON, General Agent.

**Pueblo, Colo.**—C. J. PEARSON, Com'l Agent.

**Quincy, Ill.**—E. F. BRADFORD, General Agent.

**Rockford, Ill.**—A. G. EVERETT, Gen. Agent.

**Rock Island, Ill.**—
H. W. CRAWFORD, Division Freight Agent.
FRANK A. HART, Passenger Agent.

**St. Joseph, Mo.**—N. W. cor. 6th and Felix Sts.
R. H. CROZIER, Division Passenger Agent.
A. E. MARTIN, City Passenger Agent.
J. R. MCKILLIP, Live Stock Agent.
H. M. HALL, Traveling Freight Agent.

**St. Louis, Mo.**—
J. G. DELAPLAINE, City Passenger Agent, S. W. cor. Broadway and Olive Street.
C. E. MICHEL, Trav. Pas. Agt., 604 Pine Street.
C. J. ROWETT, Trav. Pas. Agt., 604 Pine Street.
JAMES B. SECHLER, Pas. Agt., Union Station.
H. R. TODD, General Agent, Room 201, Chemical Building, 8th and Olive Streets.
R. J. TOZER, Traveling Freight Agent.

**St. Paul, Minn.**—
F. M. RUGG, Northwestern Passenger Agent, Germania Life Building.
F. R. THOMAS, City Passenger Agent.
CHARLES THOMPSON, Special Pas. Agent.
GEO. W. MCCASKEY, City Ticket Agent, Fifth and Robert Streets.
JNO. R. HAWLEY, Traveling Freight Agent.
FRANK T. LALLY, Trav. Passenger Agent, Germania Life Building.

**Salt Lake City, Utah**—R. F. NESBEN, Gen. Agt. 70 West, Second South Street.

**San Francisco, Cal.**—631 Market Street—
W. D. SANBORN, General Agent.

**San Jose, Cal.**—15 West Santa Clara Street—
F. E. THOMPSON, Ticket Agent.

**Seattle, Wash.**—103 Pioneer Square—
M. P. BENTON, Agent.

**Spokane, Wash.**—803 Riverside Avenue—
A. B. JACKSON, Trav. Freight and Pas. Agent.

**Sterling, Ill.**—L. C. THORNE, General Agent.

**Tacoma, Wash.**—119 South Tenth Street—
F. G. DONALDSON, Freight and Passenger Agt.

**Toronto, Ont.**—10 King Street East—
J. A. YORICK, Canadian Pas. and Fht. Agt.

**Walla Walla, Wash.**—4 Second Street—
R. B. WILSON, Traveling Fht. and Pas. Agent.

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Dunmore
Medicine Hat
Regina
Broadview
Portage Ju.
Glasgow
Havre
Billings
Laurel
Huntley
Greybull
Basin
Thermopolis
Worland
Shoshoni
Casper
Lander
Rawlins
Walcott Ju.
Green River
Evanston
Granger
Ogden
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Provo
Helper
Grand Junction
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Rocky Ford
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Hobbs
Monument
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Jal
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Silverton
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Quanah
Vernon
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Rochester
Syracuse
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Rome
Oswego
Watertown
Ogdensburg
Montreal
Quebec
Ottawa
Toronto
Hamilton
London
Windsor
Detroit
Port Huron
Sarnia
Chicago
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Madison
Green Bay
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Wausau
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Ashland
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Saginaw
Bay City
Flint
Detroit
Jackson
Kalamazoo
Battle Creek
Grand Rapids
Muskegon
Holland
Benton Harbor
South Bend
Michigan City
Gary
Hammond
Chicago
Joliet
Aurora
Elgin
Rockford
Freeport
Dubuque
Madison
Janesville
Beloit
Rockford
Freeport

Phone, Walnut 346. *Chestnut Street, Philadelphia, Pa.*

EXHIBIT "B."

Burlington Route.

Chicago, Burlington & Quincy Railway Company.

ice of District Freight and Passenger Agent, 836 Chestnut Street, Philadelphia, Pa.

Telephone Walnut, 346.

rry E. Heller, Dist. Fr't and Pass. Agent; B. C. Cloud, Traveling reight Agent; R. E. Wheeler, Traveling Passenger Agent; F. G. eft, City Sol., Fr't & Pass. Agent.

n your reply please refer to file: 7214.

PHILADELPHIA, *Dec.* 30, 1905.

R. L. Gardiner, 3823 Baring St., Philada., Pa.

EAR SIR: Your postal of the 30th. has just been received and d. We can furnish you with ticket or an order for ticket at this e, reading from Chicago to Denver. The present rate from ago to Denver is $29.50. We also have a round trip ticket on from Chicago to Denver, Colorado Springs or Pueblo, Colo., at of $47.20, good for return up to and including May 31st. hand you herewith one of our folders and will be very glad d to make all arrangements for your Brother's trip, and if you e I will have our representative call on you.

Yours truly,

HARRY E. HELLER.

EH–JMW

## GENERAL AGENTS AND TRAVELING PASSENGER AND FREIGHT AGENTS.

**Atchison, Kan.**—J. H. Jarrett, Gen. Agent.

**Atlanta, Ga.**—5 North Pryor Street—
J. N. Merrill, General Southern Agent.
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C. W. Robinson, Trav. Pas. and Freight Agt.
Chas. Patton Trav. Freight & Pas. Agent.

**Beatrice, Neb.**—
H. L. Lewis, Div. Fht. and Pas. Agent.

**Billings, Mont.**—F. W. Kliffel, Gen. Agent.
H. A. Brant, Traveling Freight Agent.

**Boston, Mass.**—201 Washington Street—
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Wm. Garty, New England Freight Agent.
Alex. Stocks, City Pas. and Tkt. Agt.
H. R. Houghton, Traveling Passenger Agent.
B. N. Stones, Traveling Passenger Agent.

**Buffalo, N.Y.**—299 Main Street—
W. D. Cornell, Traveling Passenger Agent.

**Burlington, Ia.**—
W. H. Hill, Division Freight Agent.
J. C. Johnson, Traveling Freight Agent.
H. S. Jones, Division Passenger Agent.

**Butte, Mont.**—15 West Broadway—
H. F. Rugee, Freight and Passenger Agent.

**Chicago, Ill.**—211 Clark Street—
F. E. Bell, City Passenger Agent.
C. A. Johnson, Commercial Agent.
W. B. Byrne, Depot Passenger Agent, Union Depot, Canal and Adams Sts.
J. D. Baker, Traveling Passenger Agent.
J. R. Van Dyke, Traveling Passenger Agent.
E. H. Smith, Traveling Freight Agent.
F. K. Kelly, Traveling Freight Agent.
B. F. Troxell, Traveling Freight Agent.
E. A. Tuttle, Division Freight Agent.

**Cincinnati, O.**—436 Vine Street—
W. M. Shaw, District Passenger Agent.
Wm. Austin, General Agent.
F. L. Gannaway, Traveling Passenger Agent.
H. K. Miles, Traveling Freight Agent.

**Cleveland, O.**—Williamson Bldg, 7 Public Sq.—
W. F. McMillan, General Agent.
C. A. Browne, Passenger Agent.
E. P. Swan, Traveling Freight Agent.

**Clinton, Ia.**—J. M. Rodman, General Agent.

**Council Bluffs, Ia.**—
T. A. Barker, Contracting Agent.
J. E. Swan, City Passenger Agent.

**Dallas, Tex.**—309 Scollard Building—
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H. O. Byrd, Traveling Freight Agent.

**Davenport, Ia.**—305 Brady Street—
M. J. Young, Commercial Agent.

**Deadwood, S.D.**—J. L. Bentley, Com'l Agent.

**Denver, Colo.**—1039 17th Street—
F. F. Valery, General Agent.
F. C. Matthews, Traveling Passenger Agent.
A. E. Campbell, Traveling Passenger Agent.
C. W. Anderson, City Passenger Agent.

**Des Moines, Ia.**—400 Locust Street—
W. G. Wagner, Commercial Agent.
J. J. Teeter, City Passenger Agent.

**Dubuque, Ia.**—H. W. Uttley, General Agent.
H. W. Turn, City Pas. and Ticket Agt.

**Galesburg, Ill.**—A. S. Crawford, Div. Pas. Agt.
A. L. West, Division Freight Agent.

**Hannibal, Mo.**—F. E. Hollingshead, Gen. Agt.
M. L. Enright, Trav. Fht. & Pas. Agt.

**Jacksonville, Ill.**—
Geo. W. Dye, Division Fht. and Pas. Agent.

**Kansas City, Mo.**—823 North Main Street—
J. D. McNamara, Southwestern Pas. Agent.
H. L. Harmon, General Southwestern Agent.
C. B. Ogle, Traveling Passenger Agent.
A. D. Brown, Traveling Passenger Agent.
John C. Wright, Pas. Agent., Union Depot.
W. L. Kendrick, Live Stock Agent.
G. H. Gray, Traveling Freight Agent.

**Keokuk, Ia.**—J. A. Somerville, Gen. Agent.
J. W. Hood, Traveling Fht. and Pas. Agt.

**Leavenworth, Kan.**—
Elliot Marshall, General Agent.

**Lincoln, Neb.**—13th and O Streets—
G. W. Bonnell, City Pas. and Ticket Agent.

**Los Angeles, Cal.**—222 South Spring Street—
W. W. Elliott, Freight and Passenger Agent.
J. W. Monahan, Traveling Passenger Agent.
C. H. Eaton, Traveling Passenger Agent.

**Minneapolis, Minn.**—20 St. and Nicollet Ave.
J. F. McElroy, City Passenger Agent.
John A. Parker, General Agent.

**New York City.**—379 Broadway—
E. J. Swords, General Eastern Agent.
W. J. O'Meara, Eastern Passenger Agent.
W. J. Berger, City Passenger Agent.
M. K. Mix, Traveling Passenger Agent.

**Omaha, Neb.**—
J. B. Reynolds, City Pas. Agt., 1302 Farnam St.
1004 Farnam Street—
J. W. Williams, Traveling Passenger Agent.
L. M. Whitehead, Trav. Passenger Agent.

**Peoria, Ill.**—323 Main Street—
L. Page, General Agent.
T. L. Birkett, City Passenger Agent.
E. L. Wright, Traveling Passenger Agent.

**Philadelphia, Pa.**—826 Chestnut Street—
Harry E. Heller, Dist. Fht. and Pas. Agt.
R. F. Wheeler, Traveling Passenger Agent.
B. C. Cloud, Traveling Freight Agent.

**Pittsburgh, Pa.**—703 Park Building.
W. V. Taffner, Gen. Agt., 702 Park Building.
J. B. Drake, Traveling Passenger Agent.

**Portland, Ore.**—200 Third Street—
A. C. Sheldon, General Agent.

**Pueblo, Colo.**—C. J. Pearson, Com'l Agent.

**Quincy, Ill.**—J. T. Bradford, General Agent.

**Rockford, Ill.**—A. G. Everett, Gen. Agent.

**Rock Island, Ill.**—
H. W. Crawford, Division Freight Agent.
Frank A. Hart, Passenger Agent.

**St. Joseph, Mo.**—N. W. cor. 6th and Felix Sts.
E. H. Crosier, Division Passenger Agent.
A. E. Martin, City Passenger Agent.
J. R. McKillip, Live Stock Agent.
H. M. Hall, Traveling Freight Agent.

**St. Louis, Mo.**—
J. G. Delaplaine, City Passenger Agent, S.W. cor. Broadway and Olive Street.
C. E. Michel, Trav. Pas. Agt., 604 Pine Street.
C. J. Rohwitt, Trav. Pas. Agt., 604 Pine Street.
James B. Sechler, Pas. Agt., Union Station.
H. R. Todd, General Agent,
Room 703, Chemical Building, 7th and Olive Streets.
R. J. Toler, Traveling Freight Agent.

**St. Paul, Minn.**—
F. M. Rugg, Northwestern Passenger Agent, Germania Life Building.
F. R. Thomas, City Passenger Agent.
Charles Thompson, Special Pas. Agent.
Geo. W. McCaskey, City Ticket Agent. Fifth and Robert Streets.
Jno. R. Hawley, Traveling Freight Agent.
Frank T. Lally, Trav. Passenger Agent, Germania Life Building.

**Salt Lake City, Utah**—R. F. Nelsen, Gen. Agt., 79 West, Second South Street.

**San Francisco, Cal.**—631 Market Street—
W. D. Sanborn, General Agent.

**San Jose, Cal.**—13 West Santa Clara Street—
F. E. Thompson, Ticket Agent.

**Seattle, Wash.**—103 Pioneer Square—
M. P. Benton, Agent.

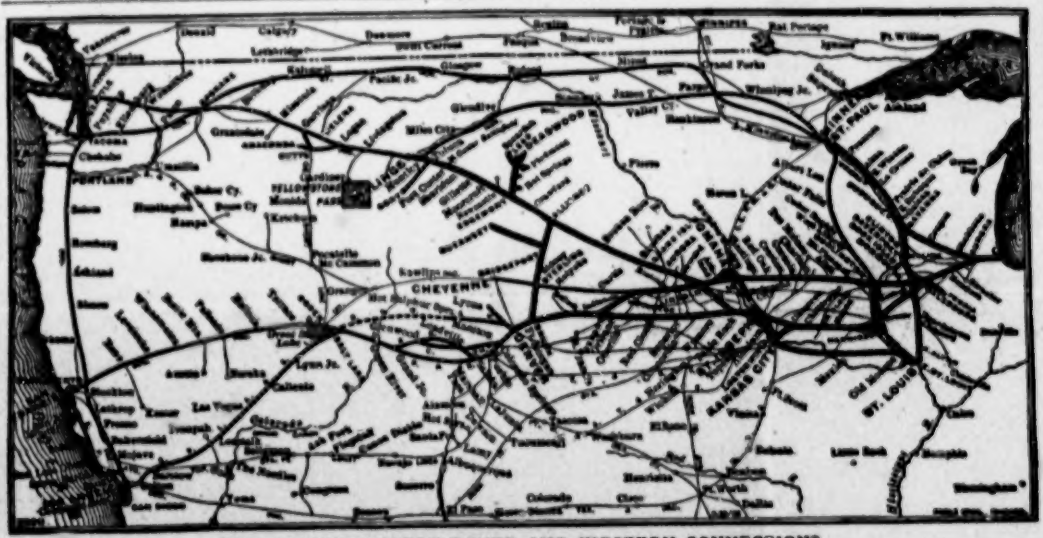
**Spokane, Wash.**—603 Riverside Avenue—
A. B. Jackson, Trav. Freight and Pas. Agent.

**Sterling, Ill.**—L. C. Thorne, General Agent.

**Tacoma, Wash.**—113 South Tenth Street—
F. G. Donaldson, Freight and Passenger Agt.

**Toronto, Ont.**—10 King Street East—
J. A. Yonicy, Canadian Pas. and Fht. Agt.

**Walla Walla, Wash.**—4 Second Street—
R. B. Wilson, Traveling Fht. and Pas. Agent.




MAP OF BURLINGTON ROUTE AND WESTERN CONNECTIONS.

EXHIBIT "D".

# GENERAL INDEX.


| | PAGE |
|---|---|
| Burlington Route Publications | 37 |
| Burlington Route Stations | 1-2 |
| Colorado Branch Lines | 33 |
| Connections at Chicago, Peoria, St. Louis. | 36 |
| Connections at Denver, Salt Lake City, Kansas City and Omaha | 35 |
| Illinois Branch Lines | 25-26 |
| Iowa Branch Lines | 27 |
| Iowa and Missouri Branch Lines | 28-29 |
| Kansas Branch Lines | 30-31 |
| Local Time—Chicago, Omaha and Denver | 13-14 |
| " " Omaha, Lincoln and Denver | 15 |
| " " Chicago, St. Paul and Minneapolis | 21 |
| " " St. Louis, Rock Island, St. Paul and Minneapolis | 22 |
| " " St. Louis, Burlington, St. Paul and Minneapolis | 23 |
| " " St. Louis and Kansas City | 16 |
| " " Chicago, Atchison, Leavenworth, St. Joseph and Kansas City | 17 |
| " " Kansas City, St. Joseph, Council Bluffs and Omaha | 24 |
| Local Time—Kansas City, St. Joseph and Denver | 18 |
| " " St. Louis, Kansas City, Leavenworth, Atchison, St. Joseph, Chicago, Omaha, Lincoln, Denver and Hot Springs, Deadwood and Billings | 32 |
| Map of Burlington Route and Connecting Lines | 19-20 |
| Map of Burlington Route and Pacific Coast Connections | 3 |
| Nebraska Branch Lines | 30-31 |
| Sleeping Car Rates | 34 |
| South Dakota Branch Lines | 33 |
| Through Car Service | 5-6 |
| To the Orient | 12 |
| To and from the Pacific Coast— | |
| Via St. Paul | 7 |
| Via Denver and Ogden | 9 |
| Via Denver and Salt Lake City | 10 |
| Via Billings | 8 |
| To and from the Northwest via St. Paul | 11 |
| Tourist Car Service | 10 |
| Wyoming Branch Lines | 33 |


## REPRESENTATIVES OF THE BURLINGTON ROUTE.

**J. FRANCIS,** . . . **General Passenger Agent, Chicago, Ill.**
**L. W. WAKELEY,** . . **General Passenger Agent, Omaha, Neb.**
**W. A. LALOR,** . . . **Asst. Gen. Passenger Agent, St. Louis, Mo.**
**P. S. EUSTIS, Passenger Traffic Manager.**

Atchison, Kan., Second and Main Sts., . . . J. H. JARRETT, Gen'l Agent
Atlanta, Ga., 5 North Pryor St., . . J. N. MERRILL, Gen'l Southern Agent
Billings, Mont., . . . . . F. W. KLIPPEL, Gen'l Agent
Boston, Mass., 201 Washington St., { W. J. O'MEARA, Eastern Passenger Agt. / H. R. HOUGHTON, Trav. Pass'r Agt. / B. N. STONER, Trav. Pass'r Agent }
Buffalo, N. Y., 299 Main St. . . W. D. CORNELL, Traveling Passenger Agent
Burlington, Ia., C., B. & Q. Depot, . . . . H. S. JONES, Div. Pass'r Agent
Butte, Mont., 15 West Broadway, . . . H. F. RUGER, Frt. and Pass'r Agent
Chicago, Ill., 211 Clark St., . . . . . F. E. BELL, City Passenger Agent
Chicago, Ill., Cor. Adams and Canal Sts., . W. B. BIRNS, Depot Pass'r Agt.
Chicago, Ill., Headquarters Building, Cor. Adams and Franklin Sts., { J. R. VAN DYKE, Trav. Pass'r Agent / J. D. BAKER, Trav. Passenger Agent }
Cincinnati, O., 436 Vine St., . . . . { W. M. SHAW, Dist. Passenger Agent / F. L. GANNAWAY, Trav. Pass'r Agent }
Cleveland, O., Williamson Bldg., 7 Public Sq., { W. F. McMILLAN, Gen'l Agt. / C. A. BROWNE, Pass'r Agt. }
Clinton, Ia., . . . . . J. M. RODMAN, General Agent
Council Bluffs, Ia., . . . . . J. E. SWAN, City Passenger Agent
Dallas, Tex., 309 Scollard Bldg., C. W. ANDREWS, Texas Frt. & Pass'r Agent
Davenport, Ia., 305 Brady St., . . . . M. J. YOUNG, Commercial Agent
Deadwood, S. D., . . . . . J. L. BENTLEY, Commercial Agent
Denver, Colo., 1039 Seventeenth St., . . . J. F. VALLERY, General Agent
Des Moines, Ia., 400 Locust St. . . . . J. J. TESTER, City Pass'r Agent
Minneapolis, Minn., 3d St. and Nicollet Ave., J. F. McELROY, City Pass'r Agt
New York, N. Y., 379 Broadway, { W. J. O'MEARA, Eastern Passenger Agent / W. J. BERDEN, City Passenger Agent / M. R. MIX, Traveling Passenger Agent }
Omaha, Neb., 1502 Farnam St., . . . J. B. REYNOLDS, City Passenger Agent
Omaha, Neb., 1004 Farnam St., { J. W. WILLIAMS, Traveling Pass'r Agent / L. M. WHITEHEAD, Traveling Pass'r Agent }
Peoria, Ill., 333 Main St. . . . { L. PAGE, General Agent / T. L. BURNETT, City Passenger Agent / E. L. WRIGHT, Traveling Passenger Agent }
Philadelphia Pa., 836 Chestnut St., { H. E. HELLER, Dist. Frt. & Pass'r Agent / R. E. WHEELER, Trav. Pass'r Agt. }
Pittsburg, Pa., 703 Park Bldg., . J. B. DRAKE, Traveling Passenger Agent
Portland, Ore., 100 Third St., . . . . . A. C. SHELDON, General Agent
Pueblo, Colo., 419 North Main St., . . . C. J. PEARSON, Commercial Agent
Quincy, Ill., . . . . . E. F. BRADFORD, General Agent
Rockford, Ill., . . . . . A. G. EVERETT, General Agent
Rock Island, Ill., . . . . . FRANK A. HANT, Passenger Agent
St. Joseph, Mo., 6th and Felix Sts., { R. H. CROZIER, Division Passenger Agent / A. E. MARTIN, City Passenger Agent }
St. Louis, Mo., Broadway & Olive St., . J. G. DELAPLAINE, City Pass'r Agent
St. Louis, Mo., Union Station, . . . JAS. B. SECHLER, Depot Passenger Agent
St. Louis Mo., 604 Pine St. { CHAS. E. MICHEL, Traveling Passenger Agent / C. J. ROHWITE, Traveling Passenger Agent }
St. Paul, Minn., 5th and Robert Sts. . . F. B. THOMAS, City Passenger Agent

| | PAGE |
|---|---|
| Burlington Route Publications | 37 |
| Burlington Route Stations | 1-2 |
| Colorado Branch Lines | 33 |
| Connections at Chicago, Peoria, St. Louis. | 36 |
| Connections at Denver, Salt Lake City, Kansas City and Omaha | 35 |
| Illinois Branch Lines | 25-26 |
| Iowa Branch Lines | 27 |
| Iowa and Missouri Branch Lines | 28-29 |
| Kansas Branch Lines | 30-31 |
| Local Time—Chicago, Omaha and Denver | 13-14 |
| " " Omaha, Lincoln and Denver | 15 |
| " " Chicago, St. Paul and Minneapolis | 21 |
| " " St. Louis, Rock Island, St. Paul and Minneapolis | 22 |
| " " St. Louis, Burlington, St. Paul and Minneapolis | 23 |
| " " St. Louis and Kansas City | 16 |
| " " Chicago, Atchison, Leavenworth, St. Joseph and Kansas City | 17 |
| " " Kansas City, St. Joseph, Council Bluffs and Omaha | 24 |
| Local Time—Kansas City, St. Joseph and Denver | 18 |
| " " St. Louis, Kansas City, Leavenworth, Atchison, St. Joseph, Chicago, Omaha, Lincoln, Denver and Hot Springs, Deadwood and Billings | 32 |
| Map of Burlington Route and Connecting Lines | 19-20 |
| Map of Burlington Route and Pacific Coast Connections | 3 |
| Nebraska Branch Lines | 30-31 |
| Sleeping Car Rates | 34 |
| South Dakota Branch Lines | 33 |
| Through Car Service | 5-6 |
| To the Orient | 12 |
| To and from the Pacific Coast— | |
| Via St. Paul | 7 |
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**Dubuque, Ia.,** H. W. UTTLEY, General Agent / H. W. THEIS, City Passenger and Ticket Agent
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**Hannibal, Mo.,** F. E. HOLLINGSHEAD, General Agent
**Jacksonville, Ill.,** GEO. W. DYE, Div. Frt. and Pass. Agent
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**Keokuk, Ia.** J. A. SOMERVILLE, General Agent
**Leavenworth, Kan.,** ELLIOT MARSHALL, General Agent
**Lincoln, Neb. 13th and O Sts.,** G. W. BONNELL, City Passenger Agent
**Los Angeles, Cal., 222 S. Spring St.,** W. W. ELLIOTT, Dist. Frt. & Pass'r Agent
**Minneapolis, Minn., 3d St. and Nicollet Ave.,** J. F. MCELROY, City Pass'r Agt
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**St. Louis, Mo., 604 Pine St.** CHAS. E. MICHEL, Traveling Passenger Agent / C. J. ROHWITS, Traveling Passenger Agent
**St. Paul, Minn., 5th and Robert Sts.,** F. B. THOMAS, City Passenger Agent
**St. Paul, Minn., Germania Life Bldg.,** P. M. RUEE, Northwestern Passenger Agent / FRANK T. LALLY, Traveling Passenger Agent
**Salt Lake City, Utah, 79 W. Second South St.,** R. F. NEELEN, General Agent
**San Francisco, Cal., 631 Market St.,** W. D. SANBORN, General Agent
**San Jose, Cal., 15 W. Santa Clara St.,** F. E. THOMPSON, Ticket Agent
**Seattle, Wash., 103 Pioneer Square,** M. P. BENTON, Agent
**Spokane, Wash., 605 Riverside Ave.,** A. B. JACKSON, Traveling Pass'r Agent
**Sterling, Ill.,** L. C. THORNE, General Agent
**Tacoma, Wash., 113 S. Tenth St.,** F. G. DONALDSON, Freight and Pass'r Agent
**Toronto, Ont., 10 King Street East,** J. A. TORICK, Canadian Pass'r & Frt. Agt.
**Walla Walla, Wash., No. 4 Second St.,** R. B. WILSON, Trav. Frt. & Pass'r Agt.

53 EXHIBIT "E."

Burlington Route.

Chicago, Burlington & Quincy Railway Company.

*Bill of Lading.*

—— —, 190–.

Received from —— —— a receipt or Bill of Lading of the —— Co., for the following described packages (contents and value unknown) in apparent good order, consigned as marked and numbered in the margin, to be transported over the line of said company and delivered in like good order and condition to the Chicago, Burlington & Quincy Railway Company, at —— thence if duly delivered as aforesaid to be transported over the line of the Chicago, Burlington & Quincy Railway Company, subject in all respects to the conditions and regulations of the published tariff and rules of the above company to destination, if on the line of said Chicago, Burlington & Quincy Railway Company. If destination is not on the line of the Chicago, Burlington & Quincy Railway Company, delivery or tender to be made at any convenient station on the line of the Chicago, Burlington & Quincy Railway Company to a connecting carrier; whereupon all further liability of the Chicago, Burlington & Quincy Railway Company shall cease.

Goods in Bond Subject to Custom House Regulations and Expenses.

In the event of the loss or damage to any property for which the carriers may be responsible under this Bill of lading, the value or cost of the same at the point and time of shipment is to govern in the settlement for the same, unless the value of the property has been otherwise agreed upon with the shipper, or is determined by the classification upon which the rates are based, and in case of loss of or damage to any of the property named in this Bill of Lading, for which the Chicago, Burlington & Quincy Railway Co. may be liable, it is provided that the Chicago, Burlington & Quincy Railway Co. may have the benefit of any insurance affected by or on account of the owner of said property.

It is further provided that no claim for loss or danger to property shipped under this contract shall be valid against the Chicago, Burlington & Quincy Co., unless the claim for such loss or damage shall be verified by affidavit and delivered to a General Freight Agent of the Chicago, Burlington & Quincy Railway Co., or to the Agent of the Chicago, Burlington & Quincy Railway Co. at the place of destination or delivery of such property, within ten (10) days from the time said property was delivered to consignee. In case of total loss of said propery, claim shall be made as aforesaid, within ten (10) days after the owner has received notice from any source of said loss.

54 All carload freight shall be subject to a minimum charge for trackage and rental of $1.00 per car for each 24 hours detention, or fractional part thereof, after the expiration of 48 hours from its arrival at destination, and the carrier shall have the same lien, and to the same extent upon the property for such charges, as for the transportation charges.

Erasures or Alterations Are Not to be Made on this Receipt.

| Marks and consignees. | No. pkgs. | Description of property as given by consignor. | Weight, subject to correction. |
|---|---|---|---|

*Rates.*

From ——.
To ——.

If 1st Class..... — cts. per 100 lbs.
" 2nd Class..... — " " " "
" 3rd Class..... — " " " "
" 4th Class..... — " " " "
" 5th Class..... — " " " "
" Special Class..... — " " " "
" Double First Class. — " " " "
" " . — " " " "
" " . — " " " bbl.
" " . — " " " car.

Freight may be collected upon the weight by the Company's Scales, but no single shipment consisting of one or more classes will be taken for less than the Minimum charge as provided for in the governing tariffs.

Carload freight subject to the current rules as to minimum and maximum weights.

Charges Advanced, (if any) —.

It is expressly understood and agreed that this bill of lading is issued at the request of and for the convenience of the shipper, and that said freight has not yet been received by the Railway Company, and that no obligation in respect to said freight is assumed by this Railway Company, nor will this bill of lading be in force until said freight is received by this Railway Company.

—— ——,
*Freight Agent.*

Rating Acceptable, Subject to Rule 4 of Western Classification.
Subject to Classification, Rules and Regulations of Connecting Roads.

55 EXHIBIT "F."

Robert McAfee, Secretary; Lewis E. Beitler, Deputy Secretary; George D. Thorn, Chief Clerk; John F. Whitworth, Corporation Clerk.

Pennsylvania.

Office of the Secretary of the Commonwealth.

HARRISBURG, *Sept.* 18, 1905.

Robert M. Green & Sons, Philadelphia, Pa.

GENTLEMEN: Replying to yours of the 6th inst., permit me to say that the Chicago, Burlington & Quincy Railroad Co., filed last State

ment of Location of Office in this Department, in compliance with the provisions of our Foreign Corporation Act of April 22, 1874, on May 23, 1900, designating as its Pennsylvania agent, Harry E. Heller, Philadelphia.

Yours truly,

ROBERT McAFEE,
H. W. F.,
*Secretary of the Commonwealth.*

56 Endorsed:—No. 62 Oct. Sessions 1905. U. S. C. C. Green *vs.* C. B. and Q. Ry. Co. Agreement of counsel as to Exhibits. Filed Sept. 29, 1906. Samuel Bell, Clerk. Francis Rawle, John G. Johnson.

57 UNITED STATES OF AMERICA,
*Eastern District of Pennsylvania, sct:*

I, Samuel Bell, Clerk of the Circuit Court of the United States of America for the Eastern District of Pennsylvania, in the Third Circuit, do hereby Certify the foregoing to be a true and faithful copy of the original Pleas and Proceedings in the case of Robert M. Green *vs.* the Chicago, Burlington and Quincy Railway Company, No. 62 October Sessions 1905, on file and now remaining among the records of the said Court in my office.

In testimony Whereof, I have hereunto subscribed my name and affixed the seal of the said Court, at Philadelphia, this 29th day of September in the year of our Lord one thousand nine hundred and Six and of the Independence of the United States the one hundred and Thirty-first.

[Seal U. S. Circuit Court, E. D. Pennsylvania.]

SAMUEL BELL,
*Clerk of C. C.*

[Endorsed:] No. 62 Oct. Sessions, 1905. Circuit Court United States Eastern District of Pennsylvania. Robert M. Green, *vs.* Chicago, Burlington & Quincy Rwy. Co. Certified Copy. Record.

Endorsed on cover: File No. 20,400. E. Pennsylvania C. C. U. S. Term No. 435. Robert M. Green, plaintiff in error, *vs.* Chicago, Burlington & Quincy Railway Company. Filed October 4th, 1906. File No. 20,400.